

Notice of Allowability

Application No.

10/619,628

Examiner

Justin R. Fischer

Applicant(s)

MIYAZAKI ET AL.

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 19 July 2005.
2. ☒ The allowed claim(s) is/are 2-5 and 15 (renumbered 1-4).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/783,988.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892).
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the Specification:

The following paragraph is inserted before Paragraph [0001]: This application is a divisional of US Patent Application No. 09/783,988 having a filing date of February 16, 2001, now US Patent No. 6,612,354.

Allowable Subject Matter

2. Claims 2-5 and 15 (renumbered 1-5) are allowed. The following is an examiner's statement of reasons for allowance:

There are a wide variety of metallic cord constructions used in the manufacture of tire carcass plies, including those comprising bundles of filaments. For example, Miyauchi (US 4,506,500) discloses a steel cord construction in which a single filament is twisted with a filament bundle, wherein said filament bundle is initially formed by twisting at least two filaments. Additionally, Baillievier (US 4,268,573) teaches a steel cord construction in which a first and second filament bundle are twisted together, wherein said first and second filament bundles are individually formed by twisting a plurality of filaments. In these instances, however, the references fail to suggest, disclose, or teach

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a metallic cord construction in which a single filament and multiple filament bunches are twisted together at a given pitch. It is further noted that Miyazaki (EP 0976583), which shares multiple inventors with this application, describes an extremely similar metallic cord construction in which a plurality of filament bunches are twisted with a straight filament at a given pitch (Paragraph 10). Additionally, each of said filament bunches comprises at least one zigzag (waved) filament in accordance to the limitations of the claimed invention. However, Miyazaki specifically describes this construction as being formed of between 5 or 6 filaments, while the construction of the claimed invention includes between 7 and 12 filaments- additional embodiments of Miyazaki which contain a larger number of filaments do not have the above noted cord construction (e.g. Paragraph 11). As such, one of ordinary skill in the art at the time of the invention would not have found it obvious to form a tire carcass structure with the claimed metallic cord construction.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R. Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Justin Fischer

September 29, 2005


JEFF H. AFTERGUT
PRIMARY EXAMINER
GROUP 1733